

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 30, 2004. Applicants have amended Claims 1, 14, 17, and 23 to further clarify what Applicants consider to be the invention. Applicants believe that all pending claims are in condition for allowance and respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1-12 and 14-28 under 35 U.S.C. §103(a), as being obvious over U.S. Patent No. 6,018,525 issued to Sucharczuk ("*Sucharczuk*") in view of the Applicants admitted prior art (*AAPA*). The Examiner rejects Claim 13 under 35 U.S.C. §103(a), as being obvious over *Sucharczuk* in view of the *AAPA*, and further in view of U.S. Patent 6,243,382 issued to O'Neil, et al. ("*O'Neil*").

In order to establish a prima facie case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference, or the combination of references, must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicants respectfully argue that *Sucharczuk*, *O'Neill*, and the *AAPA*, whether considered alone or in combination, all fail to teach or suggest all the limitations of Claims 1-28. Therefore, a prima facie case of obviousness cannot be maintained.

Claims 1, 14, 17, and 23 are Allowable Over *Sucharczuk* and the *AAPA*

Claim 1, as amended, recites "distributing the second components of the traffic streams between a defined set of the cells for in-band transmission of the second components in a payload of each of the cells, the second components being positioned at the beginning of the payload of each cell." Claims 14, 17, and 23, as amended, recite similar, although not identical, limitations. *Sucharczuk* and the *AAPA*, whether considered alone, or in combination, fail to disclose that the second components are positioned at the beginning of the payload of each cell, as recited in Claim 1, and similarly, although not identically, in Claims 17, 17, and 23. In particular, *Sucharczuk* discloses that the position of its CAS values

is not at the beginning of each cell payload. For example, *Sucharczuk* discloses that the various signaling bits (A & B bits) occur every 12 octets within a cell and that the locations of the CAS values repeat only once every 12 cells. (*Sucharczuk*, Col. 3, Line 50 – Col. 4, Line 2). Thus, the signaling bits in *Sucharczuk* are distributed throughout the payload of each cell, rather than being positioned at the beginning of the payload of each cell, as recited in amended Claim 1, and similarly, although not identically in amended Claims 14, 17, and 23.

Furthermore, the AAPA of both the present application and *Sucharczuk* disclose that in prior art systems, CAS values are transmitted by inserting them as a group at the end of a superframe period, rather than at the beginning of the payload of each cell, as recited in amended Claim 1, and similarly, although not identically in amended Claims 14, 17, and 23. (*Sucharczuk*, Col. 1, Lines 61-67).

For at least these reasons, a prima facie case of obviousness cannot be maintained for Claims 1, 14, 17, and 23, as amended. Therefore, Applicants respectfully request reconsideration and allowance of Claims 1, 14, 17, and 23, as well as all claims that depend from these claims.

Claims 3, 19, and 25 are Allowable Over *Sucharczuk* and the AAPA

In addition to the fact that Claims 3, 19, and 25 depend from Claims 1, 17, and 23, which are allowable for the reasons discussed above, these claims are allowable because they contain additional limitations not disclosed in the cited references. For example, Claim 3 recites "segmenting the first component of each traffic stream into a fixed position in the successive cells." Claims 19 and 25 recite similar, although not identical, limitations. The Examiner states that *Sucharczuk* discloses this limitation. (Office Action mailed 1/30/04, citing *Sucharczuk*, Col. 3, Lines 53+). However, as discussed above with respect to Claims 1, 14, 17, and 23, *Sucharczuk* discloses that CAS values are placed in the cell payload at 12 octet intervals and that the locations of the CAS values repeat only every 12 cells. (*Sucharczuk*, Col. 3, Line 50 – Col. 4, Line 2). Thus, because the CAS values are placed throughout the cell payload and the locations of the CAS values change in successive cells, the position of the data (i.e., the first component) must also vary within each successive cell to make room for variable positions of the CAS values. Therefore, *Sucharczuk* actually

teaches way from segmenting the first component of each traffic stream into a *fixed position in the successive cells*, as recited in Claim 3, and similarly, although not identically, in Claims 19 and 25.

For at least this additional reason, a prima facie case of obviousness cannot be maintained for Claims 3, 19, and 25. Therefore, Applicants respectfully request reconsideration and allowance of Claims 3, 19, and 25.

Claim 16 is Allowable Over *Sucharczuk* and the *AAPA*

In addition to the fact that Claim 16 depends from Claim 14, which is allowable for the reasons discussed above, Claim 16 is allowable because it contains additional limitations not disclosed in the cited references. For example, Claim 16 recites that the superframe contains 16 AAL cells. None of the cited references disclose this limitation. However, to fill the void in the prior art, the Examiner states that "the use of a 12 frame Superframe (SF) structure or a 24 frame Extended Superframe (ESF) structure is mentioned [in *Sucharczuk*], which would render obvious the use of a superframe which contains 16 AAL cells." (Office Action mailed 1/30/04, Page 5). Applicants respectfully remind the Examiner that such a broad and conclusory type rejection is improper for a number of reasons. If "common knowledge" or "well known" art is being relied on, Applicants respectfully request that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. If personal knowledge is being relied on, Applicants respectfully request that an affidavit supporting such facts be provided pursuant to M.P.E.P. § 2144.03.

As disclosed in the present application, the use of a 16-cell superframe is advantageous because it allows a single superframe to be compliant with both North American and European data circuit terminating equipment. (Application, Page 12, Line 17 – Page 13, Line 3). In particular, European data circuit terminating equipment updates the CAS value once every 16 DS-0s. However, *Sucharczuk* is silent as to the use of its invention in compliance with European signaling protocols.

For at least this additional reason, a prima facie case of obviousness cannot be maintained for Claim 16. Therefore, Applicants respectfully request reconsideration and allowance of Claim 16.

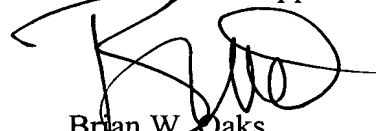
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Although Applicants believe that no fees are due, the Commissioner is hereby authorized to charge additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker & Botts, L.L.P.

Respectfully submitted,
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